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September 21, 2012

**VIA ECF**

The Honorable Dennis M. Cavanaugh  
United States District Court  
M.L. King, Jr. Federal Building & Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

*In re Merck & Co., Inc. Vytorin/Zetia Securities Litigation*  
Civil Action No. 08-2177 (DMC) (JAD)

*In re Schering-Plough Corporation/ENHANCE Securities Litigation*  
Civil Action No. 08-397 (DMC) (JAD)

Dear Judge Cavanaugh:

I write to request an adjournment of the November 13, 2012 trial date, which the Court recently set in the above-captioned matters on August 6. Until last week, we had understood that a November trial was unlikely to go forward in these cases in light of Your Honor's commitment to try the *Bergrin* case before our cases. Given public reports that the *Bergrin* trial has now been moved from October 1, 2012 to January 7, 2013, I write to respectfully ask the Court to adjourn the November 13 trial in these matters for the following reasons:

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First, on October 22, I am scheduled to begin a complex securities class action trial involving the merger between Bank of America Corporation and Merrill Lynch before Judge P. Kevin Castel of the U.S. District Court for the Southern District of New York, *In re Bank of Am. Corp. Sec. Litig.*, 09 MD 2058 (PKC). I have been working around the clock to prepare for this trial.<sup>1</sup>

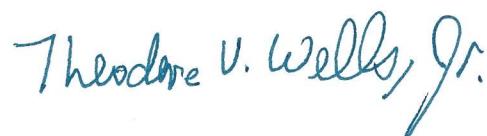
Once the Bank of America matter is resolved by trial or adjourned because of settlement, I will need a reasonable period of time to transition to preparing for the Merck and Schering-Plough cases. As Your Honor knows, the Merck and Schering-Plough cases are complex matters. They involve over 40 defendants (in addition to the two pharmaceutical companies and joint venture that are named as defendants, there also are 20 individual officer and director defendants and 18 underwriters named as defendants) each with separate stories and interests at stake. In addition to numerous factual witnesses, approximately 10 expert witnesses are expected to testify. Trial of these two matters will consume a substantial amount of time.

Second, my only daughter is getting married on Saturday, December 1, 2012, on the island of Turks and Caicos. I plan to be in Turks and Caicos for the wedding and plan to be involved in wedding events and planning in the week leading up to the wedding.

Third, my 41st wedding anniversary will take place on December 25, 2012. I have long-standing reservations out of the country, where I am scheduled to be with my wife from December 18 until shortly after the New Year.

For all of these reasons, I respectfully request that Your Honor adjourn the November 13 trial date until after the *Bergrin* trial is expected to conclude. I appreciate the Court's consideration of this request. I am available to discuss it at Your Honor's convenience.

Respectfully submitted,



Theodore V. Wells, Jr.

cc: All Counsel of Record

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<sup>1</sup> The Bank of America trial date was set by Judge Castel over a year ago.